

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

O R D E R

JD-2022-0001, In the Matter of Bruce F. DalPra

On October 5, 2022, the Judicial Conduct Committee (JCC) filed a summary report of its proceedings, findings, and recommendations in JC-21-072-C, In re: Bruce F. DalPra, along with a certified copy of the record of its proceedings.

According to the JCC's summary report, former marital master Bruce F. DalPra (DalPra), who retired from his position earlier this year, admitted that he violated a number of provisions of the Code of Judicial Conduct (Supreme Court Rule 38), as alleged in the JCC's Statement of Formal Charges and as modified by the Stipulation and Agreement signed by DalPra and the JCC's counsel. The JCC's record includes a copy of the Stipulation and Agreement, in which DalPra admitted violations of several Code provisions; acknowledged that he understood that the JCC would enter findings that he had violated those provisions; and waived his right to a de novo hearing on the charges. DalPra also acknowledged that he is responsible for reimbursing the Administrative Office of the Courts (AOC) for the attorney's fees, transcript fees, and other expenses that the JCC incurred to investigate and prosecute the matter. A subsequently executed amendment to the Stipulation and Agreement fixed the reimbursement amount at \$12,680.52.

The JCC reviewed the Stipulation and Agreement and entered findings, by clear and convincing evidence, that DalPra violated the following provisions of the Code of Judicial Conduct:

Canon 1, Rule 1.2, which provides: "A judge shall act at all times in a manner that promotes public confidence in the independence, integrity and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety."

Canon 2, Rule 2.11, which provides in part: "A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned."

Canon 2, Rule 2.16(A), which provides: "A judge shall cooperate and be candid and honest with judicial and lawyer disciplinary agencies."

Canon 2, Rule 2.8(B), which provides, in relevant part: "A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers,

court staff, court officials, and others with whom the judge deals in an official capacity”

In the summary report of its findings, the JCC noted that DalPra had retired before the report was submitted. The summary report stated that because DalPra had taken this action, the JCC made no additional recommendations for “appropriate” sanctions.

In accordance with Rule 40(12) and (13), when the JCC determines that a “judge” — a term that includes a marital master, see Sup. Ct. R. 40(2); see also Sup. Ct. R. 38 (“Terminology” section) — has violated the Code of Judicial Conduct and determines that the violations warrant formal disciplinary action by this court, the judge may request a de novo hearing, after which the court will schedule briefing and oral argument. In this case, DalPra has waived his right to a de novo hearing, and he notified the court, through his counsel, that he does not seek the opportunity to file a brief or present oral argument.

The court determines that the JCC’s findings as to the violations of the Code of Judicial Conduct are supported by the JCC’s record. See Rule 40(13). In light of DalPra’s retirement from his position as a marital master, the court concludes that no additional disciplinary action is required.

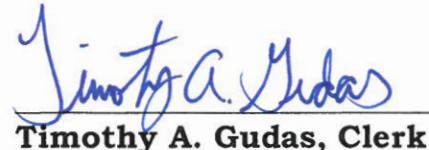
Pursuant to Rule 40(13-A) and the terms of the Stipulation and Agreement, as amended, DalPra is ordered to reimburse the AOC in the amount of \$12,680.52 for the attorney’s fees, transcript fees, and other expenses that the JCC incurred to investigate and prosecute the matter. Payment shall be made on or before December 19, 2022.

MacDonald, C.J., and Hicks, Bassett, Hantz Marconi, and Donovan, JJ., concurred.

So ordered.

DATE: November 10, 2022

ATTEST:


Timothy A. Gudas
Timothy A. Gudas, Clerk

Distribution:
Judicial Conduct Committee, JC-21-072-C
Philip R. Waystack, Jr., Esq.
Anthony F. Sculimbrene, Esq.
File

WAYSTACK FRIZZELL

P.O. Box 137
 Colebrook NH 03576

(603) 237-8322
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State of New Hampshire
 Judicial Conduct Committee
 132 Chapel Street
 Portsmouth, NH 03801

PAGE 1
 BILLING DATE: 09/20/22
 ACC'T NO.: PW-ST4674-22

RE: Marital Master Bruce DalPra

DATE	PROFESSIONAL SERVICES RENDERED	INDIV	TIME	AMOUNT
04/15/22	Download and save documents and files, open new file	RG	1.20	90.00
04/18/22	Print / review documents for file; Prepare chronological index of documents	RG	2.10	157.50
04/21/22	Continue printing documents	RG	0.20	15.00
04/22/22	Revise index and compile documents into binder	RG	0.80	60.00
05/04/22	Email documents to Attorney Waystack for review	RG	0.30	22.50
05/06/22	Email additional documents to Attorney Waystack	RG	0.20	15.00
05/06/22	Conference with Committee (virtual)	PW	0.40	80.00
05/17/22	Prepare Statement of Formal Charges	RG	1.00	75.00
05/17/22	Review and make edits to previous draft	PW	2.40	480.00
05/18/22	Review Statement of Formal Charges, revise accordingly	RG	0.30	22.50
05/18/22	Review and edit draft of Statement of Charges	PW	0.50	100.00
05/19/22	Accept track changes on Statement of Formal Charges; Prepare notice of hearing	RG	1.00	75.00
05/19/22	Work on file	PW	0.70	140.00
06/10/22	Attend JCC meeting, work on file	PW	1.60	320.00
06/13/22	Work on file	RG	2.50	187.50
06/13/22	Email Statement of Charges, work on file	PW	0.60	120.00
06/14/22	Review committee email messages; Review transcript, Code of Judicial Conduct, made edits to documents	PW	3.10	620.00
06/15/22	Revised Statement of Formal Charges according to edits, reformat and review	RG	1.70	127.50
06/15/22	Multiple emails concerning Statement of Charges	PW	1.60	320.00
06/16/22	Work on file	PW	1.70	340.00

Terms: Net 30 days.

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PAGE 2
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06/16/22	Finalize Statement of Charges, Notice of Hearing and letter to M. DalPra	RG	0.80	60.00
06/16/22	Follow-up emails	PW	0.40	80.00
06/20/22	Brief telephone conference	PW/O	0.20	0.00
06/23/22	Scan and email request for discovery to Attorney Waystack	RG	0.20	15.00
06/23/22	Follow up email; Review letter requesting discovery of unabridged, complete transcript	PW	0.70	140.00
06/24/22	Prepare letter	RG	0.30	22.50
06/24/22	Email to paralegal to prepare and mail transcript	PW	0.30	60.00
06/28/22	Review message from Attorney, call him, discuss his appearance, discovery, need for further response, etc.	PW	0.60	120.00
07/12/22	Download and print response letter	RG	0.10	7.50
07/12/22	Brief email re: counsel's letter requesting discovery	PW	0.50	100.00
07/14/22	Substantive email to Attorney, addressing discovery, witnesses, depositions; Telephone call re: discovery requests (email and deposition)	PW	1.10	220.00
07/15/22	Review email	RG	0.10	7.50
07/15/22	Review multiple emails	PW	0.60	120.00
07/18/22	Review binder and scan and copy documents	RG	2.00	150.00
07/19/22	Review documents for privileged information, revise index, Bates-stamp documents	RG	3.00	225.00
07/19/22	Review index of discovery for privileged documents; Telephone conference to discuss privileged matters; Review specific documents; Telephone call (mess.); Email exchange	PW	1.20	240.00
07/20/22	Continue working and revising indicies, send link and indices via email to opposing attorney	RG	2.80	210.00
07/20/22	Telephone call; Conference with paralegal to email updated discovery; Conference with paralegal to launch link and indicies to Attorney	PW	1.80	360.00
07/26/22	Review opposing attorney's email; Review emails	RG	0.40	30.00

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07/26/22	Review 2 email messages, respond; Email to Attorneys; Telephone conference with Attorney re: discovery	PW	1.40	280.00
07/27/22	Review Attorney email; Send email to Attorney discussing his various discovery requests	PW	0.50	100.00
08/02/22	Short email to Attorneys re: discovery follow-up; Telephone call with Attorney; Email to Attorney re: discovery requests	PW	1.20	240.00
08/03/22	Prepare Subpoenas and send to parties	RG	1.00	75.00
08/03/22	Email to Attorney re: subpoena; Email response to Attorney; Second email to Attorney; Review and edit subpoena; Email with subpoena	PW	1.10	220.00
08/03/22	Review email, respond, forward subpoena to Attorney	PW	0.60	120.00
08/05/22	Email to Attorney acknowledging production of discovery	PW/O	0.20	0.00
08/05/22	Substantive email to Attorney re: discovery / emails, deposition date subpoenas, dates from him for deposition, discuss further discovery, emails, audio clips, review response	PW	0.50	100.00
08/10/22	Telephone conference; Telephone call with Attorney; Draft letter; Telephone call; Email exchange with Attorney	PW	1.30	260.00
08/11/22	Telephone call; Prepare subpoena for all emails	RG	1.60	120.00
08/11/22	Review email about scope of deposition; Telephone conference with Attorney; Telephone call re: status of discovery, plea discussion; Review statement of charges re: timing; Review and edit subpoena; Review comprehensive timeline; Email discovery index and privilege log; Telephone conference with counsel re: deposition; Follow-up email to Attorney; Follow-up email to Attorney	PW	4.10	820.00
08/12/22	Review file for Attorney Waystack's notes re: status re: discovery	RG	0.50	37.50

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08/12/22	Prepare subpoena; Email exchanges; Email for signature; Second email; Email signed subpoena	PW	1.10	220.00
08/15/22	Review Attorney email; Telephone call; Further email exchange	PW	0.60	120.00
08/15/22	Download and print signed subpoena; Review email correspondence	RG	0.30	22.50
08/16/22	Telephone call re: hearing transcript, transcript generally, status of investigation costs, charges; Telephone call to update status	PW	0.40	80.00
08/17/22	Review and organize documents for Attorney Waystack during RG's absence	RG	0.40	30.00
08/18/22	Draft stipulation for admission of final transcript, review and edit, add captions, further edits; Telephone call re: status; Telephone call; Email stipulation to opposing attorney; Review response	PW	1.60	320.00
08/19/22	Email exchange with opposing attorney re: discovery	PW/O	0.20	0.00
08/22/22	Review and respond to opposing attorney's email re: discovery; Email to Attorney re: deposition	PW	0.40	80.00
08/23/22	Telephone call with Attorney re: follow-up on deposition; Telephone call re: brief discovery status report	PW	0.60	120.00
08/26/22	Travel from Whitefield to Concord and return	PW	3.00	600.00
08/26/22	Attend deposition; Brief conference with Attorneys	PW	0.80	160.00
08/29/22	Review, respond to Attorney email; Telephone call; Work on selecting exhibits for hearing	PW	1.40	280.00
08/31/22	Review Attorney email re: resolution; Email and telephone call; Review Rules of Code; Email to Attorney	PW	0.90	180.00
09/02/22	Email to Attorney re: narrow the issues to be tried; Telephone conference with Attorney	PW	0.55	110.00
09/06/22	Send executed transcript stipulation to opposing attorney	PW	0.20	40.00
09/06/22	Review exhibits, prepare exhibit list, scan fully executed stipulation	RG	1.80	135.00

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09/07/22	Email to Attorney re: deposition and discuss potential exhibits for testimony; Email to opposing attorney re: errors in deposition; Email to Attorney re: status of settlement discussions and trial	PW	0.80	160.00
09/08/22	Multiple emails and telephone discussions with opposing attorney and JCC representatives	PW	0.80	160.00
09/08/22	Review matter with Attorney Waystack; Prepare and review timeline with Attorney Waystack; Review documents for exhibit preparation; Prepare emails to parties; Download, print and review deposition transcript	RG	1.40	105.00
09/09/22	Email to opposing attorney re: agreement in principle; Draft and send stipulation and agreement to opposing attorney	PW	1.20	240.00
09/09/22	Telephone call to cancel stenographer for hearing; Draft stipulation	RG	1.80	135.00
09/12/22	Review and respond to several versions of edits to stipulation	PW	0.90	180.00
09/12/22	Review proposed edits to Agreement and revise Stipulation and Agreement accordingly; Review additional proposed edits and revise Stipulation according to additional edits and resend to parties for review; Review exhibits to prepare for the hearing	RG	2.10	157.50
09/13/22	Review email correspondence, print signature page, email; Telephone calls	RG	0.60	45.00
09/14/22	Review email correspondence from Attorney	RG	0.10	7.50
09/14/22	Telephone call	PW/O	1.60	0.00
Total of New Services:			80.55	11,595.00

DATE	EXPENSE	AMOUNT
06/16/22	Postage	8.76
06/16/22	Photocopies: 20 @ .20	4.00
06/24/22	Postage	3.56

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06/24/22	Photocopies: 72 @ .20	14.40
08/17/22	Photocopies: 2 @ .20	0.40
08/26/22	Travel from Whitefield to Concord and return	104.40
Total of New Expenses:		135.52

ACCOUNT SUMMARY

PREVIOUS BALANCE:	\$0.00
NEW SERVICES:	\$11,595.00
NEW EXPENSES:	\$135.52
NEW PAYMENTS:	\$0.00
TOT. CURRENT PERIOD:	\$11,730.52
CURRENT BALANCE:	\$11,730.52

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Date: April 07, 2022

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To:

New Hampshire Judicial Conduct Committee
 132 Chapel Street
 Portsmouth
 NH 03801

Requested by: Robert Mittelholzer

Assignment No: NHJB-15309

Case Name: In the Matter of Dana Albrecht and Katherine Albrecht

Case Number: 659-2016-DM-00288

Hearing Date(s): 11/06/2020

Charge Description	Quantity	Each	Total
Transcription (R)	1	\$950.00	\$950.00
Invoice Total			\$950.00

Receipts	Type	Amount	Date	Total
Credit Card - Deposit	Payment	\$950.00	Mar 24, 2022	
Amount Now Due				\$0.00

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